

Permitting & Assistance Branch Staff Report
Solid Waste Facility Permit Modification for the
Ramona Materials Recovery Facility and Transfer Station
SWIS No. 37-AA-0925
January 3, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the County of San Diego Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Solid Waste Facility Permit modification for the Ramona Materials Recovery Facility and Transfer Station, SWIS No. 37-AA-0925, located in San Diego County, owned by JEMCO and operated by Escondido Resource Recovery. The Ramona Materials Recovery and Transfer Station Facility is a transfer and processing facility that accepts non-hazardous waste for diversion. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit application package was received on November 12, 2010. A different version of the permit was received on December 6, 2010. Action must be taken on this permit no later than February 4, 2011. If no action is taken by February 4, 2011, the Department will be deemed to have concurred with the issuance of the proposed modified permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2005 SWFP)	Proposed Permit
3. Name and Address of Operator	Escondido Resource Recovery P.O. Box 1818 1044 W. Washington Avenue Escondido, CA, 92033	JEMCO Equipment Corporation P.O. Box 1187 Ramona, CA, 92065
4. Name and Address of Owner	JEMCO P.O. Box 1818 1044 W. Washington Avenue Escondido, CA, 92033	Ramona Disposal Services 324 Maple Street Ramona, CA, 92065
5.e. Specifications (tipping floor area)	7,500 square feet	9,300 square feet
6. Approval	Gary Erbeck, Director	Jack Miller, Director
7. Enforcement Agency Name and Address	County of San Diego Department of Environmental Health Solid Waste Local Enforcement Agency 9325 Hazard Way San Diego, CA, 92123	San Diego County Department of Environmental Health 5500 Overland Drive, Ste 110 San Diego, CA, 92123

	Current Permit (2005 SWFP)	Proposed Permit
13. Findings	<p>a) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). (Public Resources Code, Section 44010.)</p> <p>b) This facility is identified in the Non-Disposal Facility Element (NDFE) of the Countywide Integrated Waste Management Plan (approved by the CIWMB October 2003). (Public Resource Code, Section 50001(a).)</p> <p>d) The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA, based on a review of the March 2005 Report of Station Information, and monthly site inspections with the most current site inspection conducted on May 5, 2005.</p> <p>e) In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15096(f), the LEA has reviewed and considered the information regarding the environmental effects of this facility as contained in the Subsequent Mitigated Negative Declaration (SMND), SCH#2005011002, dated January 2005 and adopted by the County of San Diego Planning Commission on March 4, 2005. Prior to issuance of this permit, the LEA shall make the necessary findings and determinations required under CEQA Guidelines Sections 15091(a), 15091(d), 15093(a), 15093(c), 15096(g), and 15096(h), as applicable.</p> <p>f) Mitigation measures, as applicable, have been made conditions of this permit. The documents and materials that</p>	<p>a) This permit is consistent with standards adopted by the Department of Resource Recycling and Recovery (CalRecycle) (formally known as California Integrated Waste Management Board). (Public Resources Code, Section 44010.)</p> <p>b) This facility is identified in the Non-Disposal Facility Element (NDFE) of the Countywide Integrated Waste Management Plan (approved by California Integrated Waste Management Board March 2006). (Public Resource Code, Section 50001(a).)</p> <p>d) The design and operation of the facility is in compliance with the State Minimum Standards for solid waste handling for Transfer/Processing as determined by the LEA, based on a review of the August 2010 Report of Facility Information/Transfer Processing Report and an inspection conducted on October 7, 2010.</p> <p>e) In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15096(f), the LEA has reviewed and considered the information regarding the environmental effects of this facility as contained in the Subsequent Mitigated Negative Declaration (SMND), SCH # 2005011002, dated January 2005 and certified by the County of San Diego Planning Commission on March 4, 2005.</p>

	Current Permit (2005 SWFP)	Proposed Permit
	constitute the record upon which the decision to issue this Solid Waste Facility Permit are based are available at the offices of the San Diego County Department of Environmental Health, Community Health Division, Solid Waste Local Enforcement Agency.	
15. Documents	Report of Facility Information: March 2005	Report of Facility Information: August 2010
17. LEA Conditions		<i>[The LEA consolidated, generalized and revised the text of the conditions for clarification and to conform to a newly approved document format; however, no conditions were added or removed.]</i>

Findings:

Staff recommends concurrence with the issuance of the proposed modified permit. All of the required submittals and findings required by Title 27 of the California Code of Regulations (CCR 27) Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Permits & Certification Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated November 8, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on August 4, 2010 and provided a copy to the Department on August 9, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The proposed permit was received on December 6, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on November 12, 2010, provided a finding that the facility is consistent with Public Resources Code (PRC) 50001 and Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product and Compliance Unit found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
	Management Plan, as described in the memorandum dated November 24, 2010.	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on December 15, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on November 15, 2010; updated revised finding that the project is exempt from the requirements of CEQA was received on January 6, 2011. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, and Comments	A Public Informational Notice was distributed by the LEA on October 28, 2010. No written comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	Permitting & Assistance Branch staff found that the proposed permit is consistent with CEQA and supports the Branch Chief's concurrence in the modified permit.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on December 15, 2010. No violations were observed.

In November 2007, the LEA observed one violation of State Minimum Standards for 17407.4 - Dust Control and one violation of PRC 44014(b) Operator Complies with Terms of Permit for the handling of waste outside the transfer building. The violations had been corrected by the next monthly inspection.

The LEA observed three consecutive violations of PRC 44014(b) Operator Complies with Terms of Permit from April through June 2006 for having an outdated copy of the Report of Facility Information onsite. The violation was corrected in a timely manner and no enforcement action was taken.

From August to December 2005 the LEA observed four violations (one for 18221.6 - Transfer/Processing Report; two for 17407.5 Hazardous Liquids & Special Wastes; one for 17409.3 - Scavenging and Salvaging); all were corrected in a timely manner.

There were no other violations at the facility noted during the last five years.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, the significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental documents prepared by the County of San Diego Department of Planning and Land Use, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional

environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The County of San Diego, Department of Planning and Land Use, acting as Lead Agency, has prepared the following environmental document for the Ramona Materials Recovery Facility and Transfer Station:

- A Negative Declaration, State Clearinghouse No. 1997011071, was circulated for a thirty day comment period from January 28, 1997 through February 27, 1997. The Negative Declaration was certified by the County of San Diego Planning Commission on February 4, 2000. The document analyzed environmental impacts associated with a new 200 ton per day trash transfer station and recyclable collection facility.
- A subsequent Mitigated Negative Declaration, State Clearinghouse No. 2005011002, was circulated for a thirty day comment period from January 3, 2005 through February 1, 2005. The Mitigated Negative Declaration was certified by the County of San Diego Planning Commission on March 4, 2005. The Mitigated Negative Declaration discussed increasing peak daily tonnage from 370 tons to a peak daily tonnage of 700 ton and increasing the number of vehicles entering the site on a daily basis from 197 vehicles to 220 vehicles. The total permitted area and the area permitted for material recovery, transfer and processing did not change.

All potentially significant impacts were reduced to less than significant after incorporation of mitigation measures that were agreed to by the applicant. Potential significant impacts were identified for Transportation/Traffic. These potentially significant impacts were mitigated by participation in the cost of intersection improvements/signal enhancements at 4 intersections with a fair share contribution as agreed by the Department of Public Works.

The San Diego County Local Enforcement Agency found the project to be exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to CEQA. No additional CEQA analysis was needed to address approval of the subject design and operational changes. All 9,300 square feet of the tipping floor was previously used; 1,800 square feet of the tipping floor was identified as a load out ramp for comingled recyclables and 7,500 square feet was utilized for municipal solid waste. All 9,300 square feet of the tipping floor will now be designated for use for municipal solid waste. The August 2010 Transfer Processing Report was updated with the designated change, as was page one of the proposed Solid Waste Facilities Permit. The change is consistent with existing environmental analysis and would have no further environmental impact.

The County of San Diego, Department of Environmental Health, has provided a finding that the proposed SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Negative Declaration and the Subsequent Mitigated Negative Declaration as filed with the San Diego County Clerk, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Solid Waste Facilities Permit. The proposed permit modification does not include an increase in permitted tonnage, capacity, vehicle trips, or change in hours of operation. Department staff has reviewed and considered the CEQA Findings adopted by the County of San Diego. The CEQA Findings demonstrate that, with respect to each of the

project's significant environmental effects, the County of San Diego required changes to the project to avoid or substantially lessen the significant environmental effect. The conditions the County of San Diego imposed on the project will accomplish the desired avoidance or substantial lessening of the significant effects.

Department staff further recommends the Mitigated Negative Declaration and the Subsequent Mitigated Negative Declaration as filed with the San Diego County Clerk, together with the CEQA Findings, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and Solid Waste Facilities Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Ramona CDP). Census information indicates that the surrounding population is approximately 80.6% White, 0.8% African American, 1.3% American Indian and Alaska Native, 0.8% Asian, 0.3% Native Hawaiian/Pacific Islander, 12.6% some other race and 3.6% are two or more races. 25.0% of the total population describe themselves as Hispanic or Latino. 9.1% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA did not receive any comments from the posted public notice. No oral or written public comments have been received by the Department or LEA staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. On December 14, 2010, a public meeting was held to provide an update on the permitting process.